

CONGRESSIONAL RECORD SUMMARY

Tuesday, March 11, 2003

SENATE

Measures Introduced:

S. 589. A bill *to strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies*; to the Committee on Governmental Affairs.

Akaka *Pages S 3504, S 3512-7*

S. 593. A bill *to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment has occurred*; to the Committee on Governmental Affairs.

Durbin *Pages S 3504, S 3517*

Measures Reported:

S. 113, *to exclude United States persons from the definition of "foreign power" under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism, with an amendment in the nature of a substitute.*

Pages S 3504, D 213

Executive Communications:

EC-1519. A communication *from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Assistant Attorney General*, received on March 3, 2003; to the Committee on the Judiciary.

Page S 3503

S. 3 - Partial-Birth Abortion Ban:

Senate continued consideration of S. 3, to prohibit the procedure commonly known as partial-birth abortion, taking action on the following amendment:

Pages S 3422-29, S 3454, S 3456-63, S 3482-94, D 213

Pending:

Durbin Amendment No. 259, in the nature of a substitute.

Pages S 3479-82, D 213

During consideration of this measure today, Senate also took the following action:

By 49 yeas to 47 nays (Vote No. 45), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive section 207 of **H. Con. Res. 68**, the Concurrent Budget Resolution on the Budget for fiscal year 2000 as amended by **S. Res. 304** from the 107th Congress with respect to the consideration of **Murray Amendment No. 258**, to improve the availability of contraceptives for women. Subsequently, a point of order that the amendment was in violation of the Congressional Budget Act was sustained, and the amendment thus fell.

Pages S 3478-79, D 213

Nomination Considered:

Senate continued consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

Pages S 3429-54, S 3455-56, D 213

*"...Over the years, many Senators of both political parties have publicly agreed with the principle that every judicial nominee should receive a timely up or down Senate vote. **Similarly, the Federal Judiciary, speaking through the Chief Justice in his 2001 Year-End Report, has stated that the Senate should 'schedule up or down votes on judicial nominees within a reasonable time after receiving the nomination.'** I ask Senators of both parties to come together to end the escalating cycle of blame and bitterness and to restore fairness, predictability, and dignity to the process. I ask that the Senate take action, including adoption of a permanent rule, to ensure timely up or down votes on judicial nominations both now and in the future, no matter who is President or which party controls the Senate...."*
(Letter from President Bush, dated March 11, 2003, as included in the Record by Senate Majority Leader Frist; page S 3430)

"...This Administration has also shown disrespect for the concerns of Senators in renominating both Judge Charles Pickering, despite his ethical lapses, and Justice Priscilla Owen, despite her record as a conservative ``activist" judge, both of whom were rejected by the Senate Judiciary Committee after fair hearings and open debate last year. Sending these re-nominations to the Senate is unprecedented. No judicial nominee who has been voted down has ever been re-nominated to the same position by any President. The White House in conjunction with the new Republican majority in the Senate is choosing these battles over nominations purposefully. Dividing rather than uniting has become their modus operandi..." (Leahy, page S 3447)

A second motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, March 13, 2003.

Pages S 3455-56, D 213

Nominations Received:

Senate received the following nominations:

Raul David Bejarano, of California, to be United States Marshal for the Southern District of California for the term of four years.

Eduardo Aguirre, Jr., of Texas, to be Director of the Bureau of Citizenship and Immigration Services, Department of Homeland Security. (New Position)

Pages S 3558, D 214

Committee Meetings for Wednesday, March 12, 2003:

Committee on Appropriations: @ 9:30 a.m. Subcommittee on District of Columbia, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the District of Columbia Courts, Court Services, and the Offender Supervision Agency. SD-138.

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Committee on the Budget: @ 2:15 p.m. Business meeting to mark up a proposed concurrent resolution setting forth the fiscal year 2004 budget for the Federal Government. SD-608.

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Committee Meetings for Wednesday, March 12, 2003 (Cont.):

Committee on the Judiciary: @ 10:00 a.m Subcommittee on Immigration, with the Subcommittee on Technology, Terrorism, and Government Information, *to hold joint hearings to examine border technology, focusing on keeping terrorists out of the United States.* SD-226.

Committee on the Judiciary: @ 2:00 p.m. *Full Committee, to hold hearings to examine the nominations of James V. Selna and Cormac J. Carney, both to be a United States District Judge for the Central District of California, Philip P. Simon and Theresa Lazar Springmann, both to a United States District Judge for the Northern District of Indiana, Mary Ellen Coster Williams, of Maryland, and Victor J. Wolski, of Virginia, both to be a Judge of the United States Court of Federal Claims, and Ricardo H. Hinojosa, of Texas, and Michael E. Horowitz, of Maryland, both to be a Member of the United States Sentencing Commission.* SD-226.

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Remarks:

Unanimous Consent Request - Executive Calendar Nos. 32, 34, 35, 36 and 55.

[re. votes on the following judicial nominees - Sutton, Cook, Roberts, Bybee, Tymkovich]

"...Mr. President, all five of these individuals are on the Executive Calendar for consideration on the floor of the Senate. We can continue our conversations, but all of these have gone through the Judiciary Committee and have been presented on the floor."

Frist

Pages S. 3454-5

FBI's Recent Failures in Child Pornography Enforcement.

Leahy

Pages S 3496-7

Ninth Circuit Court Split - S. 562.

Burns

Page S 3499

HOUSE

Measures Introduced:

H.R. 1171. A bill *to provide grants to law enforcement agencies to use iris scanning technology to conduct background checks on individuals who want to purchase guns*; to the Committee on the Judiciary.

Andrews

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H.R. 1175. A bill *to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits through fiscal year 2008, to extend paygo for direct spending, and for other purposes*; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Barrett

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Measures Introduced (Cont.):

H.R. 1178. A bill *to amend the Internal Revenue Code of 1986 to allow a credit against income tax for medical malpractice liability insurance premiums, and for other purposes*; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Brown-Waite

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H.R. 1215. A bill *to amend title 31, United States Code, to require the provision of a written prompt payment policy to each subcontractor under a Federal contract and to require a clause in each subcontract under a Federal contract that outlines the provisions of the prompt payment statute and other related information*; to the Committee on Government Reform.

Wynn

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H.R. 1216. A bill *to amend the Small Business Act to increase the minimum Government-wide goal for procurement contracts awarded to small business concerns*; to the Committee on Small Business.

Wynn

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H.R. 1217. A bill *to amend the Small Business Act to provide a penalty for the failure by a Federal contractor to subcontract with small businesses as described in its subcontracting plan, and for other purposes*; to the Committee on Small Business.

Wynn

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H.R. 1218. A bill *to require contractors with the Federal Government to possess a satisfactory record of integrity and business ethics*; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Wynn

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H. Con. Res. 88. Concurrent resolution *expressing the sense of Congress that the Children's Internet Protection Act is constitutional as it applies to public libraries*; to the Committee on the Judiciary.

Andrews

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Reports Filed:

Reports were filed today as follows:

H.R. 5, *to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, amended* (H. Rept. 108-32, Pt. 1);

H.R. 5, *to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system, amended* (H.Rept. 108- 32, Pt. 2);

H.R. 866, *to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works* (H. Rept. 108-33).

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Committee Meetings:

Committee on Financial Services: Subcommittee on Oversight and Investigations held a hearing entitled "*Progress Since 9/11: The Effectiveness of U.S. Anti-Terrorist Financing Efforts.*"

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security approved for full Committee action **H.R. 1104**, *Child Abduction Prevention Act*. Prior to this action, the Subcommittee held a hearing on **H.R. 1104** and **H.R. 1161**, *Child Obscenity and Pornography Prevention Act*.

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Committee Meetings for Wednesday, March 12, 2003:

Committee on the Budget: @ 10:30 a.m. *To mark up the Budget Resolution for Fiscal Year 2004.* 210 Cannon.

Committee on Education and the Workforce: @ 2:00 p.m. Subcommittee on Workforce Protections, hearing on **H.R. 1119**, *Family Time Flexibility Act*. 2175 Rayburn.

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Committee on Government Reform: @ 10:00 a.m. Hearing entitled "*Energy Efficiency Improvements in Federal Buildings and Vehicles.*" 2154 Rayburn.

Committee on the Judiciary: @ 10:00 a.m. *To mark up the following: H. Res. 132, expressing the sense of the House of Representatives that the Ninth Circuit of Appeals ruling in Newdow v. United States Congress is inconsistent with the Supreme Court's interpretation of the first amendment and should be overturned; a resolution authorizing the Chairman to issue subpoenas in the matter relating to the Honorable James M. Rosenbaum; and H.R. 975, Bankruptcy Abuse Prevention and Consumer Protection Act of 2003.* 2141 Rayburn.

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Remarks:

Honoring Prison Fellowship.

Pitts

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Next SENATE MEETING: 9:30 a.m., Wednesday, March 12, 2003.

Next HOUSE MEETING: 11:00 a.m., Wednesday, March 12, 2003.

OLA: S. Schwarz, A. Santos